

## **REMARKS & INTERVIEW SUMMARY**

The captioned application is currently pending appeal following Applicant's Notice of Appeal filed July 7, 2004. Applicant believes that these amendments and remarks are fully responsive under 37 C.F.R. § 1.116 to the Examiner's final office action dated January 7, 2004, and places the pending claims in condition for allowance. If the Examiner agrees that the captioned application is in condition for allowance, Applicant respectfully requests that Applicant's Notice of Appeal be withdrawn without prejudice.

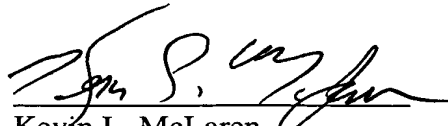
In the final office action dated January 7, 2004, the Examiner indicates that claims 34-35 are allowable because the prior art does not teach the invention defined by those claims. However, claims 21-33 and 36-41 stand rejected under 35 U.S.C. § 103(a). In rejecting those claims, the Examiner cites Koerner et al. in view of Fujikura TLD, Waki in view of Fujikura TLD, Koerner et al. in view of Yin et al., Waki in view of Yin et al., Koerner et al. in view of Fujikura TLD and further in view of Yin et al., and finally Waki in view of Fujikura TLD and further in view of Yin et al. Applicant traverses the rejection of claims 21-33 and 36-41 over the references cited by the Examiner, and consider these claims to be patentable.

On February 7, 2005, a telephonic interview was conducted with Examiner Bissett to discuss the status of claims 21-33 and 36-41 with regard to the cited references. Applicant thanks Examiner Bissett for the courtesies extended to Applicant's representative Kevin L. McLaren in the telephonic interview. However, the interview did not result in the allowance of any additional claims. Applicant has therefore canceled claims 21-33 and 36-41 without prejudice and reserves the right to further prosecute those claims in a continuation application filed under 35 U.S.C. § 120.

Accordingly, Applicant considers the instant application to be in condition for allowance, and requests that the Examiner pass the same to issuance.

Respectfully submitted,

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